

Putusan Perdamaian Yang Dijadikan Landasan Pertimbangan Putusan Majelis Pengawas Pusat Notaris (Studi Kasus: Putusan Majelis Pengawas Pusat Notaris Nomor 05/B/MJ/PPN/XI/2010 dan Putusan Perdamaian Nomor 89/PDT/G/2010/PN.Jkt.Ut) = Settlement Decision Used as Consideration for the Central Notary Supervisory Boards Decision (Case Study: the Central Notary Supervisory Boards Decision Numbe 05/B/MJ.PPN/XI/2010 and Settlement Decision 89/PDT/G/2010/PN.Jkt.Ut)

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Abstrak

ABSTRAK

Penulisan tesis ini membahas mengenai peran putusan perdamaian dalam penyelesaian suatu gugatan di Pengadilan dan dampaknya terhadap putusan yang diputus Majelis Pengawas Pusat Notaris. Dalam kaitannya, adanya tuntutan hukum ke pengadilan oleh notaris kepada Majelis Pengawas Daerah Notaris (MPDN) dikarenakan MPDN dalam melakukan tugas dan wewenangnya tidak bersikap profesional atau tidak bersikap objektif sehingga menimbulkan kerugian bagi notaris tersebut disaat bersamaan notaris yang bersangkutan diduga melakukan pelanggaran jabatan notaris. Penelitian ini menggunakan metode penelitian yuridis normatif dengan menggunakan data sekunder serta, wawancara sebagai sarana pelengkap. Penulisan ini menyimpulkan peran Putusan Perdamaian dalam penyelesaian suatu gugatan di Pengadilan untuk mengakhiri sengketa menjadi solusi terbaik agar permasalahan yang timbul tidak melebar jauh dan tidak merugikan para pihak, tentunya putusan perdamaian ini harus sesuai dengan aturanaturan hukum yang berlaku dan dampaknya terhadap suatu putusan yang diputus Majelis Pengawas Pusat Notaris (MPPN) pada prakteknya ternyata sangat berpengaruh. Hal ini didasarkan dalam memutus suatu putusan, MPPN harus melihat fakta-fakta dan peristiwa-peristiwa yang terus berkembang selama proses banding. Hasil penelitian menyarankan perlu diciptakan payung hukum mengenai tata cara perdamaian yang lebih merinci dan detail sesuai dengan perkembangan zaman tanpa, menghilangkan esensi tujuan dari perdamaian itu sendiri dan perlu aturan mengenai sanksi bagi Majelis Pengawas yang tidak melaksanakan kewenangan dan kewajibanya dengan baik.

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<i>ABSTRACT</i>

This thesis writing discusses the role of settlement decision in resolving a lawsuit in a Court and its impact on the decision adopted by the Central Notary Supervisory Board. With regards to that, the existence of a lawsuit to the court by the notary against the Regional Notary Supervisory Board (MPDN) due to the failure of MPDN in carrying out its duty and authority with professional or objective manner, which causes harm to such notary, while in the meantime such notary allegedly committed violation of the notary profession. This study uses a normative juridical research method using secondary data as well as interview as complementary means. This writing concludes that the role of Settlement Decision in resolving a lawsuit in a court in order to end the dispute is the best solution so that such problem arise does not widen far and does not harm the parties, still such settlement agreement shall be in accordance with the prevailing laws and the

impact towards the decision adopted by the Central Notary Supervisory Board (MPPN) is turned out to be very influential. This is based on resolving a decision, MPPN has to see the facts and events which continuously develop during the appeal process. The result of study suggests that it is necessary to create legal standard/law protection regarding the procedures of settlement which shall be more elaborated and detailed according to the current development without eliminating the essence of the purpose of such settlement itself, and it is necessary to have regulation concerning the sanction for the Supervisory Board that does not exercise its authority and obligation in a well manner.